

# ***City Council***

## ***Special Meeting Minutes***

**May 12, 2020  
Electronic Meeting  
6:00 PM**

**Call to Order** – Mayor Stolzmann called the meeting to order at 6:00 p.m. The following members were present:

***City Council:***      ***Mayor Ashley Stolzmann***  
***Mayor Pro Tem Dennis Maloney***  
***Councilmember Kyle Brown***  
***Councilmember J. Caleb Dickinson***  
***Councilmember Deborah Fahey***  
***Councilmember Chris Leh***  
***Councilmember Jeff Lipton***

***Staff Present:***      ***Heather Balser, City Manager***  
***Megan Davis, Deputy City Manager***  
***Nathan Mosely, Parks, Recreation, & Open Space Director***  
***Rob Zuccaro, Planning & Building Safety Director***  
***Lisa Ritchie, Senior Planner***  
***Meredyth Muth, City Clerk***

***Others Present:***      ***Kathleen Kelly, City Attorney***

Mayor Stolzmann noted because of the COVID-19 emergency the meeting is being held electronically. She gave information on how the meeting process will work and directions for those dialing in on how to participate when it is time for public comments.

### **EXECUTIVE SESSION**

**REAL PROPERTY ACQUISITIONS AND DISPOSITIONS (Louisville Charter, Section 5-2(c) – Authorized Topics – Consideration of real property acquisitions and dispositions, only as to appraisals and other value estimates and strategy, and C.R.S. 24-6-402(4)(a))**

The Mayor introduced the item and City Attorney Kelly stated the City Manager is requesting the City Council convene an executive session for the purpose of consideration of potential real property acquisitions and dispositions but only as to appraisals and other value estimates and strategy pursuant to Section 5-2(c) of the City's Home Rule Charter and C.R.S. § 24-6-402(4)(a).

The City Clerk read Section 2.80.130 of the Louisville Municipal Code which outlines the topics permitted for discussion in an executive session.

City Attorney Kelly stated the authority to conduct this executive session is in the Home Rule Charter Section 5-2(c) for Council to discuss potential real property acquisitions and dispositions, with regard to properties in Louisville, but only as to appraisals and other value estimates and strategy, and in C.R.S. 24-6-402(4)(a). The request involves potential acquisition of real property for which the City has the right of first refusal to purchase.

MOTION: Mayor Stolzmann moved the City Council adjourn to executive session for the purpose of consideration of potential real property acquisitions and dispositions, with regard to properties in Louisville, that the executive session include the City Council, City Manager, City Attorney, Deputy City Manager, Parks, Recreation & Open Space Director, Planning & Building Safety Director, and Senior Planner. Seconded by Councilmember Brown.

**Roll call vote:** Motion carried by unanimous roll call vote.

The City Council adjourned to executive session at 6:05 pm.

### **REGULAR BUSINESS ITEMS SUSPENDED**

The City Council meeting reconvened at 7:45 pm.

### **REGULAR BUSINESS ITEMS CONTINUED**

#### **REPORT – DISCUSSION/DIRECTION/ACTION – REAL PROPERTY ACQUISITIONS**

City Attorney Kelly reported the executive session was for the purpose of consideration of property acquisition concerning property for which the City has the first right of refusal to purchase. If the Council desires to purchase the property a motion directing the City staff to respond in writing expressing the City's desire to purchase the property for the gross purchase price and for the terms listed in the purchase contract may be entertained.

Mayor Stolzmann moved to direct staff to respond in writing expressing our desire to purchase 131 Cherry and to bring back an emergency ordinance to exercise our first right of refusal to acquire 131 Cherry using funds from the Open Space Trust Fund balance; Brown seconded the motion.

Mayor Stolzmann stated this property is now available and the City has the right of first refusal. She stated she feels this is an important parcel to our open space portfolio; it is very visible, has good wildlife; and has good connections to trails. It would be a permanent loss if we can't preserve it.

Councilmember Lipton asked Mayor Stolzmann and Councilmember Brown what budget reductions they would suggest to pay for this.

Mayor Stolzmann stated she would defer a variety Open Space capital projects leaving the only capital project left to pay from this fund to be the payment for the Highway 42 underpass. She noted there is more than \$2M in reserves in this fund. She feels there is enough funding to cover this purchase between CIP cutbacks and reserves. She also noted there is a significant turnback from 2019 that can be used for this. With all of those, she feels there is enough funding to pay for this even with the expected shortfalls from COVID-19.

Councilmember Lipton stated this makes it sound like this money is easily available but this money is programmed for other things.

Mayor Pro Tem Maloney stated that proposal would cut a lot of programs to fund this. We are at a point of real uncertainty in sales and use tax for Open Space and those declines may continue to next year. He noted the continuation of the General Fund transfer to this fund is still up in the air. He stated he could see this push the fund balances negative and that would put pressure on other funds for possibly years to come.

Mayor Pro Tem Maloney stated state this should be a question of is this is a priority for Open Space, but this parcel has not been on the acquisition list. He would rather spend money on other parcels that are a priority. He noted the parcel is zoned agricultural and what is allowed there is a modest house. If it stays agricultural and there are limits on what can be done here it preserves some of Louisville's agricultural heritage. If we are going to invest in Open Space do it where we have the greatest impact and this is not it.

Councilmember Brown stated Open Space is always supported by residents. He feels it is an important piece of property; preserving this parcel is essential. Previous Council's had prioritized this and if we miss this opportunity it won't come back. He is concerned the Council might approve variances approving a much larger house on this property.

Councilmember Dickinson stated that if this was happening last year and the budget were in a better place and more certain he would support this, but in the current pandemic climate and with serious budget questions it is more difficult. OSAB has not made this a high priority and to be considering a property that is a low priority property in this financial climate gives him pause. Given the restrictions on the property he feels comfortable passing on this right now.

Councilmember Fahey stated she agrees with Councilmember Dickinson. This would be a wonderful property to acquire if it were a more fiscally sound time. There will be so many cuts for the next couple of years; this is not the right time to buy this.

Councilmember Leh stated we truly appreciate our Open Space in Louisville and normally he would support the purchase, but cannot at this time. The limitations on the property are helpful in making this decision. We need to focus on rebuilding ourselves financially. We have limited funds and at this stage we should save the funds for higher priority parcels.

City Attorney Kelly clarified that the restrictions on the property are not just related to zoning. There is a conservation easement that limits the property to agricultural uses and the one residence and associated out buildings. An approved application for rezoning would not be enough to change uses on the property. For that to happen the conservation easement in gross would need to be addressed as well.

Mayor Stolzmann stated there are quite a few capital projects that are scheduled for this year and we could reprioritize that funding and defer some items to make the math work. She feels not buying this is a loss for the community.

**Roll Call Vote** – Motion failed 2-5 with Dickinson, Fahey, Leh, Lipton, Maloney voting no.

#### **ADVANCED AGENDA & IDENTIFICATION OF FUTURE AGENDA ITEMS**

Mayor Stolzmann noted that the pride month proclamation request that Council received also included a request for flying pride flags at City facilities. She asked if any Councilmembers have concerns with that. There were no concerns.

Councilmember Brown would like to add an item for discussion at the May 19 meeting regarding the possibility of City Council donating back its salaries for the next three months.

#### **ADJOURN**

Members adjourned at 8:15 pm.

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Ashley Stolzmann, Mayor

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Meredyth Muth, City Clerk